

Entered - 05/07/99 - sb
CL99L0259 - DIANNE C. MITCHELL

CLAIM OF: WILLIAM RUSSELL PETTY,
through his attorney,
J. David Stubins
Suite 1175
1800 Century Boulevard, NE
Atlanta, Georgia 30345-3203

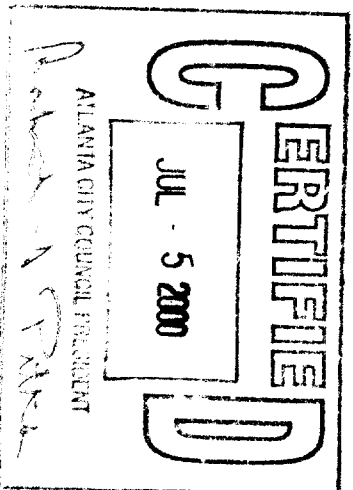
For damages alleged to have been sustained as a
result of a vehicular accident on November 9,
1998 at 8th Street and Peachtree Street.

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL JUL 05 2000

CERTIFIED
JUL 05 2000
Rosalind Rubens Newell
MUNICIPAL CLERK



ADVERSE REPORT.
COM *Public Safety*
DATE *6/27/00*
CHG *G.T. Martin*
[Signature]
[Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

July 18, 2000

J. David Stubins
Attorney at Law
1800 Century Blvd., NE
Suite 1175
Atlanta, GA 30345-3203

00-R-0917

RE: William Russell Petty

Dear Attorney Stubins:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 5, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0259

Date: June 8, 2000

Claimant /Victim WILLIAM RUSSELL PETTY
BY: (Atty) J. David Stubins
Address: Suite 1175, 1800 Century Boulevard, NE, Atlanta, Georgia 30345-3203
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated
Date of Notice: 04/28/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/09/98 Place: 8th Street and Peachtree Street
Department Police Division:
Employee involved L. D. Bennett Disciplinary Action:

NATURE OF CLAIM: The claimant failed to yield right-of-way to the City police vehicle with emergency equipment in operation, thus causing the accident. The claimant was charged with failure to yield right-of-way to an emergency vehicle and pled guilty in Traffic Court. There was no negligence on the part of the City employee in causing this accident.

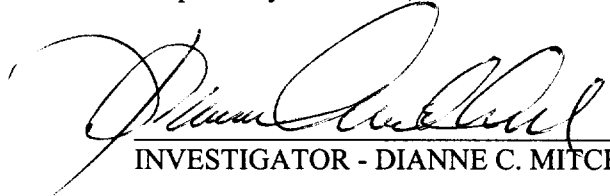
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver X
Citation disposition: City Driver Claimant Driver Guilty

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent X City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 06-28-00
Committee Action: Council Action

APR 28 1999

Keegan Federal and Associates

ATTORNEYS AT LAW
1800 CENTURY BOULEVARD, NE
SUITE 1175
ATLANTA, GEORGIA 30345-3203

04-28-99 05:59 RCVD

Mitchell
05/03/99
DM

R. Keegan Federal, Jr.
James E. Holmes
J. David Stubins
Lori E. Jolly (Licensed in SC only)

April 27, 1999

Telephone (404) 315-9955
Facsimile (404) 315-9001

ENTERED - 5-7-99 - SB
99L0259 - DIANNE MITCHELL

City of Atlanta
Department of Law
Municipal Clerk
55 Trinity Avenue S.W.
Atlanta, GA 30335-0332

RE: Our client: William Russell Petty
Our file no: 98085
Date of loss: 11-9-98
Your insured: City of Atlanta Police Dept.
Ofc. Larry Dee Bennett
City of Atlanta Chief of Police
Location of accident: Peachtree St. NE and
8th St. NE

To whom it may concern:

On November 9, 1998, Mr. Petty's vehicle was struck by Officer Bennett's police vehicle while Mr. Petty was crossing Peachtree Street from 8th Street. Though Officer Bennett was allegedly responding to an emergency call, he was driving too fast for the conditions that existed at the time and the location of the accident. Mr. Petty's vehicle's was "totaled" in the accident. Mr. Petty received significant injuries including traumatic brain injuries.

I would appreciate it, pursuant to OCGA § 33-3-28, if you would within 60 days of receiving this request, provide me with a statement, under oath, from the Claims Manager, stating with regard to each know policy of insurance, including excess or umbrella insurance, the limits of coverage insuring the City of Atlanta, Officer Bennett and the City of Atlanta Chief of Police.

00-*R* -0917

Thank for your anticipated cooperation in this matter.

Sincerely,

KEEGAN FEDERAL & ASSOCIATES

A handwritten signature in black ink, appearing to read "J. David Stubins". The signature is stylized with a large initial "J" and a distinct "Stubins" at the end.

J. David Stubins

encl.: Police report
cc: William Petty

RCS# 2057
7/05/00
1:38 PM

Atlanta City Council

Regular Session

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Consent Agenda pgs. 1-13

Adopt

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

NV McCarty
Y Starnes
Y Bond
B Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
B Emmons
B Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0982
00-O-0996
00-R-0954
00-R-0981
00-R-0999

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07/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> 1. 00-O-0882 2. 00-O-0815 3. 00-O-0986 4. 00-O-0987 5. 00-O-0988 6. 00-O-1002 7. 00-O-0574 8. 00-O-0972 9. 00-O-0818 10. 00-R-0990 11. 00-R-0992 12. 00-R-0993 13. 00-R-0885 14. 00-R-0884 15. 00-R-0883 16. 00-R-0880 17. 00-R-0814 18. 00-R-0957 19. 00-R-0961 20. 00-R-0998 21. 00-R-0887 22. 00-R-0888 23. 00-R-0889 24. 00-R-0997 25. 00-R-0892 26. 00-R-0955 27. 00-R-0984 28. 00-R-1000 29. 00-R-0908 30. 00-R-0909 31. 00-R-0910 32. 00-R-0911 33. 00-R-0912 34. 00-R-0913 35. 00-R-0944 36. 00-R-0945 37. 00-R-0946 	<ol style="list-style-type: none"> 38. 00-R-0914 39. 00-R-0915 40. 00-R-0916 41. 00-R-0917 42. 00-R-0918 43. 00-R-0919 44. 00-R-0920 45. 00-R-0921 46. 00-R-0922 47. 00-R-0923 48. 00-R-0924 49. 00-R-0925 50. 00-R-0926 51. 00-R-0927 52. 00-R-0928 53. 00-R-0929 54. 00-R-0930 55. 00-R-0931 56. 00-R-0932 57. 00-R-0933 58. 00-R-0934 59. 00-R-0935 60. 00-R-0936 61. 00-R-0937 62. 00-R-0938 63. 00-R-0939 64. 00-R-0940 65. 00-R-0941 66. 00-R-0942 67. 00-R-0943 68. 00-R-0947 69. 00-R-0948 70. 00-R-0949 71. 00-R-0950 72. 00-R-0951